SIKKIM

GOVERNMENT GAZETTE

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GOVERNMENT OF SIKKIM
OFFICE OF THE PRINCIPAL SECRETARY, FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT
(WEIGHTS AND MEASURES CELL)
GANGTOK, SIKKIM

No. D(27)27/WM/FCS&CA/8 **Dated: 29.11.06**

Government of India Notification published in the Gazette of India, Extraordinary, Part II Section 3(1), Ministry of Petroleum and Natural Gas, Order New Delhi, the 26th April 2000 is republished here for general information:

MINISTRY OF PETROLEUM AND NATURAL GAS
ORDER
NEW DELHI, THE 26TH APRIL, 2000

G.S.R. 487(E)- In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order, namely:-

1. **Short title and commencement:** (1) This Order may be called the Liquefied Petroleum Gas (Regulation of Supply and Distribution) Order, 2000.
   2. It extends to the whole of India
   3. It shall come into force on the date of its publication in the Official Gazette.

2. **Definitions** – In this Order, unless the context otherwise requires –
   (a) 'Chief Controller of Explosives' shall have the same meaning assigned to it in the Explosives Act, 1884 (4 of 1884);
   (b) 'Consumer' means a registered person, firm, company, institution, association of persons, co-operative society or organization, who has been granted liquefied petroleum gas connection or supply, either in bulk or in cylinder, by a distributor or a Government oil company or a parallel marketer;
   (c) 'Cylinder' means a metal container utilized for storing liquefied petroleum gas conforming to the specifications laid down in Schedules II and III;
   (d) 'delivery person' means a person engaged by a distributor of a Government Oil Company or a parallel marketer to deliver liquefied petroleum gas in cylinder to consumers;

(e) 'distributor' means a person, firm, association of persons, company, institution, organization or a co-operative society appointed by a Government Oil Company or a parallel marketeer and engaged in the business of purchase, sale, or storage for sale of liquefied petroleum gas in cylinders to consumers on the basis of an agreement or otherwise with a Government Oil Company or a parallel marketer, as the case may be;

(f) 'gas cylinder valve' means a valve which is fitted to a cylinder;

(g) 'Government Oil Company' means:-

(1) Bharat Petroleum Corporation Limited
(2) Bongagalgaon Refinery and Petrochemicals limited
(3) Cochin Refineries Limited
(4) Gas Authority of India Limited
(5) Hindustan Petroleum Corporation Limited
(6) Indian Oil Corporation Limited
(7) Indo-Burma Petroleum Company Limited
(8) Chennai Petroleum Company Limited
(9) Numaligarh Refinery Limited
(10) Oil India Limited
(11) Oil and Natural Gas Corporation Limited or
(12) Any other Government Company or a statutory body or a company or a firm, declared a such by notification in the Official Gazette, to be a 'Government Oil Company by the Central Government for the purposes of this Order.

(h) 'Indian Standard' shall have the same meaning as assigned to it in clause (g) of Section 2 of the Bureau of Indian Standards Act, 1986 (63 of 1986)

(i) 'Liquefied petroleum gas (or LPG)' means a mixture of light hydrocarbons which may include propane, isobutene, normal butane, butylenes etc. which are gaseous at normal ambient temperature and atmospheric pressure but may be condensed to liquid state at normal ambient temperature by the application of pressure and which conforms to Indian specification number IS 4576;

(j) 'parallel marketeer' means any persons, firm, company, institution, association of person, co-operative society or organization carrying on any or all of the business of importing, storing, bottling, marketing, distributing and/or selling liquefied petroleum gas under the parallel marketing system;

(k) 'parallel marketeer system' means the system other than the public distribution system under which a parallel marketeer carries on any or all of the business of importing, storing, bottling, distributing or selling in bulk or in a retail packed or filled in cylinder, liquefied petroleum gas under his own arrangement.

(l) 'public distribution system' means the system of distribution marketing or selling of liquefied petroleum gas by a Government Oil Company at the Government controlled or declared price through a distribution system approved by the Central or a State Government;

(m) 'pressure regulator' means the equipment used for regulating the flow and pressure of liquefied petroleum gas from a cylinder to a gas stove;

(n) 'Schedule' means a Schedule appended to this Order;

(o) 'seal' means seal put on the cap of the valve of the cylinder for the purpose of sealing a cylinder after it has been filled with liquefied petroleum gas;

(p) 'storage point' means the premises licensed by the Chief Controller of Explosives;

(q) 'transporter' means a person authorized by a Government Oil Company, parallel marketeer or a distributor for transportation of LPG in bulk or in cylinders and also of empty or defective cylinders;

3. Restriction on unauthorized possession, supply and consumption of liquefied petroleum gas-

(1) A person having a connection for liquefied petroleum gas under the public distribution system, shall not -

(a) possess more than one connection of liquefied petroleum gas granted under the public distribution system:

Provided that the Central Government or the Chief Executive Officer of a Government Oil Company, may sanction more than one connection of liquefied petroleum gas under the public distribution system in favour of any person, keeping in view the difficulty and hardship experienced by such person in obtaining supplies of the LPG:

(b) possess or use liquefied petroleum gas filled in cylinder or in bulk unless he has received the supply from a Government Oil Company or a distributor authorized by such Company:

(c) use liquefied petroleum gas for any purpose other than for which the consumer is registered with the distributor of a Government Oil Company:

Provided that the Central Government may, by a general or special order permit the use of liquefied petroleum gas for such other purposes as, it may, by order, specify.

2. The supply of liquefied petroleum gas to domestic category consumers shall be made in 14.2 kg capacity cylinder and to those falling under non domestic category shall be made in 19 kg/ 47.5 kg capacity cylinder, or in such capacity cylinders as may be notified by the Central Government from time to time.

3. No distributor of a Government Oil Company shall supply liquefied petroleum gas filled in cylinder to any person unless he (a) has been registered and granted a connection for liquefied petroleum gas under the public distribution system, or (b) holds a valid authorization from the Government Oil Company.

4. No distributor of a Government Oil Company or a parallel marketeer, as the case may be, shall commit or cause to commit any of the activities prohibited herein including those specified in Schedule-I.

4. Restriction on storage and transport of liquefied petroleum gas -

(1) No person shall -

(a) fill any cylinder with liquefied petroleum gas or transfer liquefied petroleum gas from one cylinder to another cylinder or from one container to another container unless authorized by the Chief Controller of Explosives;

(b) transport or store a cylinder filled with liquefied petroleum gas except in an upright position;

(c) store or use or cause to be stored or used a cylinder filled with the liquefied petroleum gas except in a cool, dry, well-ventilated and accessible place under cover, away from boilers, open flames, steam pipes or any potential source of head;

(d) remove the seal prior to use of the cylinder;

Provided that the distributor or his authorized representative or the delivery person may remove such seal in the presence of the consumer either for testing, checking or installation of the cylinder.

(e) use cylinder, pressure regulator and gas cylinder valve other than those specified in Schedules II and III.

2. No transporter or delivery person shall deliver or cause to deliver liquefied petroleum gas either in cylinder or in bulk to any person other than the consumer or distributor.

5. Restriction on sale or distribution of liquefied petroleum gas below or in excess of the standard weight – No Government Oil Company, distributor or parallel marketeer shall supply, sell or distribute to a consume liquefied petroleum gas in cylinders which contains less than or in excess of the weight of liquefied petroleum gas specified in the Schedule II and III or as indicated on the cylinder.

6. Prohibition on carrying unauthorized business of selling LPG-

No person other than a Government Oil Company, a parallel marketeer or a distributor shall be engaged in the business of selling liquefied petroleum gas to the consumer.

7. Possession, supply or sale of liquefied petroleum equipments-

(1) No personal shall -

(a) supply or sell filled or empty cylinder, gas cylinder valve and pressure regulator to any person other than a Government Oil Company or a parallel marketeer;

(b) unless authorized by a Government Oil Company or a parallel marketeer, supply or sell felled or empty cylinder, gas cylinder valve and pressure regulator to any person other than a consumer;

(c) possess filled or empty cylinder, gas cylinder valve or pressure regulator, unless he is a distributor or a consumer.

2. Every manufacturer of cylinder, gas cylinder valve and pressure regulator shall destroy by crushing those cylinders, cylinder valves and pressure regulators which do not conform to the Indian Standards.

8. Display of stock and price of liquefied petroleum gas – Every distributor shall prominently display the stock and price of the liquefied petroleum gas at a conspicuous place of the business premises including the storage point, showing –

a. the opening balance of filled, empty and defective cylinders and regulators;

b. the backlog of preceding working day of the filled cylinders to be supplied.

9. Procurement storage and sale of liquefied petroleum gas by distributor -

(a) No distributor having stock of liquefied petroleum gas at the business premises, including storage point, shall unless otherwise directed by a Government Oil Company or a parallel marketeer, refuse to sell LPG on any working day during working hours, to the consumer registered with that distributor.

(b) No distributor shall keep his business premises including the storage point closed during working hours on any working day, without the prior written permission of the Government Oil Company or the parallel marketeer.

Explanation - For the purpose of sub-clauses (a) and (b), the expression 'working hours; means the working hours fixed by the concerned Government Oil company or the parallel marketeer in accordance with the provisions of the Shops and Establishments Act and the rules made thereunder, as in force in the respective States or the Union Territories and the case may be.

(c) Every distributor shall take steps to ensure that stocks of liquefied petroleum gas are available at the business premises, including the storage point, at all times.

(d) No distributor shall sell liquefied petroleum gas at a higher price than that fixed by the Government Oil Company or the parallel marketeer.

(e) No distributor shall, without prior written permission of the concerned Government Oil Company, refuse to make home delivery at the address of the consumer, as registered with the distributor.

Provided that the State Government may, fix additional charges for home delivery of LPG cylinders to the consumers, as it may deem necessary in view of the geographical terrain and/or the distance in the area of distribution.

(f) Every distributor shall display the working hours prominently at the place of business including the place of storage on a conspicuous place.

10. Maintenance of register, account books by a distributor:

(a) Every distributor shall maintain proper accounts of daily purchase, sale and storage of liquefied petroleum gas at the business premises indicating therein –

(i) the opening stock of the filled, empty and defective cylinders.

(ii) the number of filled, empty and defective cylinders received during the day.

(iii) the number of filled, empty and defective cylinders sold, delivered or otherwise disposed of during the day.

(iv) the closing stock of the filled, empty and defective cylinders;

(v) such other relevant particulars as the concerned Government Oil Company or the parallel marketeer may be order in writing, specify.

(b) The distributor shall maintain a register giving the details of names and addresses of persons registered for obtaining liquefied petroleum connection.

11. Assessment and Certification Rating of parallel marketers:-

(1)(a) No parallel marketeer shall commence any activity, such as importing, storing, transporting, bottling, marketing, distribution, sale or any activity incidental thereto, relating to the business of liquefied petroleum gas without obtaining a rating certificate, for his capability infrastructure network and readiness to carry out professed business and deliver goods and services promised, provision for adequate safety backup for transportation, accident relief during transportation, and attending to emergency complaints of consumers by an agency given in Schedule-IV, on the basis of its evaluation and rating.

(b) The rating certificate shall be issued in the format as specified in Schedule-V, and as per the forwarding letter given in Schedule-VI.

(c) The rating certificate shall –

(i) be valid for a period of two years in case of good and 'satisfactory' rating and one year in case of other ratings from the date of issue; and

(ii) require renewal by the rating agency.

(2) Every parallel marketeer announcing details of his activity or inviting offers of any kind in the field of import, transport, marketing, bottling, distribution or sale of liquefied petroleum gas, either in a newspaper, handout, pamphlet, leaflet or by any other means of communication of advertising shall indicate the rating awarded to him in words i.e. Good, Satisfactory, Low risk, High risk, whichever is applicable, and prominently published the rating certificate, as given by the rating agency.

(3) There shall be paid in respect of every application to a rating agency -

(i) for the rating certificate awarded to the parallel marketeer, a fee at the rate of 0.05% of the project cost, subject to a minimum of rupees fifty thousand and maximum of rupees ten lakhs; and

(ii) for the renewal of the rating certificate by the parallel marketeer, a fee of one-tenth of that required to be paid for such a certificate;

(iii) the renewal of rating certificate by the parallel marketeer shall be as per the following periodicity, namely:

(a) once on two years, for those having 'good' and 'satisfactory' rating certificate in the previous year.

(b) once in a year for those having rating certificate other than 'good' and 'satisfactory' in the previous year.

(5) The agencies given in Schedule-IV for the purpose of evaluation shall, on payment of fee by the parallel marketeer, evaluate the parallel marketeer whose case is either referred to it or who approaches it, on the basis of the parameters indicated and the information provided by such parallel marketeer in the format as specified in Schedule-VII or such other information as may be required by the rating agency.

(6) All letter-heads or communications of a parallel marketeer shall have the following description of rating:

(i) Name of the rating agency

(ii) Rating awarded to him, and

(iii) Date of issue.

(7) No parallel marketeer shall either give incomplete, incorrect, misleading vague information in the newspaper, handout, pamphlet, leaflet or advertisement or submit such information to the rating agency.

Provided that a parallel marketeer carrying on the business of transportation, marketing, distribution or selling of liquefied petroleum gas as an agent of another marketeer, who has obtained a rating certificate, shall not be required to obtain a rating certificate.

Explantion: For the purpose of this clause, a parallel marketeer shall be regarded as an agent of another parallel marketeer if the former is appointed an agent for the above purposes by the latter through a legal instrument.

12. Maintenance of records and furnishing of information by parallel marketeer:

(a) Every parallel marketeer before commencing the import, transportation, bottling, marketing, distribution or sale of liquefied petroleum gas shall intimate to the Ministry of Petroleum and Natural Gas all or any of the above activities which he intends to undertake, specifying therein capability to do so, and any other relevant particulars.

(b) The parallel marketeer shall ensure that the quality checks are carried out and the liquefied petroleum gas meets the BIS specification number IS 4576, in all respects before the imported liquefied petroleum gas is discharged into the storage infrastructure at the port.

(c) The parallel marketeer shall ensure that the liquefied petroleum gas meets BIS specification number IS 4576 before it is sold to any consumer.

(d) The parallel marketeer of liquefied petroleum gas shall submit a monthly return before the 15th day of the following month giving details of liquefied petroleum gas produced and or imported port-wise, to the Ministry of Petroleum and Natural Gas.

(e) The parallel marketeer shall furnish to the Ministry of Petroleum and Natural Gas, or to such authority as may be specified by the Central Government, such information as may be required.

13. Power of entry, search and seizure:

(1) Any Officer of the Central or the State Government not below the rank of Inspector duly authorized by a general or a special order, by the Central Government or the State Government, as the case may bne or any officer of a Government Oil Company not below the rank of Sales Officer, authorized by the Central Government, may, with a view to securing due compliance of this Order or any other order made thereunder:

(a) stop and search any vessel or vehicle used or capable of being used for the transport or storage of any petroleum product,
(b) enter and search any place,
(c) seize stocks of liquefied petroleum gas alongwith container and/or equipments, such as cylinders, gas cylinders valves, pressure regulators and seals in respect of which he has reason to believe,
(d) that a contravention of this Order has been, or is being, or is as to be made

(2) The sales officer of a Government Oil Company shall be authorized to secure compliance of this Order by the distributors appointed under the public distribution system and or by the consumer registered by them.

14. Overriding effect of the Order – The provisions of this Order shall have overriding effect notwithstanding anything contained in any Crder made by a State Government or a Union Territory Administration.

15. Power to exempt – The Central Government may, if it considers necessary, for avoiding any hardship or in consideration of the public interest, by a notification in the Official Gazette, exempt any person or class or persons from all or any of the provisions of this Order, either generally or for any specific purpose, and subject to such conditions as may be specified in the notification.

16. Repeal and savings – The Liquefied Petroleum Gas (Regulation of Supply and Distribution Order, 1993 is hereby repealed:

Provided that such repeal shall not effect:
(a) the previous operation of the said Order or anything duly done or suffered therein; or
(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said Order; or
(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Order; or
(d) any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if the said Order had not been repealed.

Schedule-I
(See clause 3(4))

Prohibited behavior
(for Government Oil Companies)

1. Forced sale of Stove/Hotplates to the consumers.
2. Recovery of unauthorized charges from applicant at the time of registration/release of new connection.
3. Supply of partially used cylinder/pilfering product from cylinder/cylinders with pilfered product to LPG consumer.
4. Unauthorized and/or out of turn release of new LPG connections.
5. Unauthorized diversion of domestic cylinder for non-domestic use of LPG.
6. Acceptance of fake documents including Termination Vouchers and Transfer Termination Vouchers.
7. Possession of spurious equipment.
8. Induction of spurious LPG equipment and/or replacement by spurious equipment.
9. Manipulation of mandatory records.
10. Non-home delivery of LPG refill supplies to consumer and/or not giving rebate on non-home delivery to LPG consumers.
11. Overcharging by distribution on LPG refill supplies, installation charges, mechanic charges and/or any other charges authorized by the Government Oil Company.
12. Refusal to register requests for new connection and/or double bottle connection.

Prohibited Activities
(for Parallel Marketeers)

1. Forced sale of stove/Hotplates to the consumers
2. Supply of partially used cylinder/pilfering product from cylinder/cylinders with pilfered product to LPG consumer.
3. Possession of spurious LPG equipment.
4. Induction of spurious LPG equipment and/or replacement by a spurious equipment.
5. Manipulation of mandatory records.

Schedule-II
(see clause 4(1)(e) & 5)

Application to distributors of a Government Oil Company

Standard size and specification of Liquefied Petroleum Gas Cylinders shall conform to IS 3196 (Part II), 1992 Colour Code specification IS 4379 and the following :

Internal diameter of cylinder In mm	Net weight of liquefied petroleum gas in the cylinder
314 mm+1% - 0%	14.2kg+150 gms
330.1mm+2% - 0%	19kg+1.0%
368.3mm+1% - 0%	47.5kg+1.0%
(+ (- indicate the variations on either side)	)

Note:

1. Standard size and specification of Gas Cylinder Valve under the public distribution system shall conform to IS 8737 Part-II specifications having an outlet collar diameter of 25.6 mm.

2. Pressure regulator shall conform to IS 9798 specification having an inlet diameter of 25.6 mm.

Schedule-III
(see clauses 4(1)(e) & 5)

(Application to Parallel Marketing System)

A parallel marketeer under the parallel marketing system shall deal with and use:

(a) Cylinder of any size, shape, design and weight other than those specified in Schedule 'II' conforming to Indian Standard specifications.

(b) Gas cylinder valve conforming to IS specification 8737, Part II of any size having an outlet collar diameter of 22.0 mm.

(c) Pressure regulator conforming to IS specification 9798 of any size and having an inlet diameter other than of 22.0 mm.

NOTE:

1. The cylinder used by a parallel marketeer shall be provided with a valve protection ring different in shape from that in cylinder used by a Government Oil Company.

2. The Cylinder used by a parallel marketeer shall be clearly marked with Colour Band and Logo of their respective company, firm or person marketing liquefied petroleum gas, as approved by the Chief Controller of Explosives

3. Maximum permissible error on net quantities declared by weight by volume shall be as below:

Declared quantity	Maximum permissible error in Excess or in deficiency
GM or ml	0% gm or ml
1000-10000	1.5% -
10000-15000	- 150
more than 15000	1.0%

Schedule – IV
(see clause 11(1)(a)&4)

Name and address of agencies for evaluation of a Parallel Marketeer

	Name	Address
1.	CRISIL (The Credit Rating Information Service of India Ltd.)	Nirlon House, 2nd Floor, 254 B, Annie Besant Road, Worli, Bombay-400025.
2.	CARE (Credit Analysis and Research Ltd.)	RBC, Mahindra Towers, 5th Floor, Road No. 13, Worli, Bombay 400018.
3	MDRA (Marketing & Development Research Associates)	Secular House, 9/1, Institutional Area, Opp. JNU, N. Delhi-67
4	ICRA (Investment Information , Credit Rating Agency of India Ltd.)	Kailash Building, 4th Floor 26, Kasturba Ganddhi Marg, New Delhi-1

Schedule-V
[see clause 11(1)(b)]

Rating Certificate for the Parallel Marketeer

Date of issue:

Name of Firm/Company:

Registered Office Address:

Name of Promoter/Chairman/Managing Director:

Activities:

Particular of Bankers:

Overall Rating_____

Rating Scale

Good
Satisfactory
Low Risk
High Risk

Signature and Seal of the Rating Agency

Schedule-VI
[See clause 11(1)(b)]

Forwarding Letter for the Certificate of rating

To whomsoever it may concern

This is to certify that we have made an evaluation of M/s _____ _____ for the purpose of issuing certificate and a rating to them in accordance with the provisions of the Liquefied Petroleum Gas (Regulation of Supply and Distribution), Order, 2000.

We have obtained all the information and explanation which to the best of our knowledge and belief where necessary for the purpose of issuing this certificate. The certificate issued by us is as a result of our examination of the documents, records and assessment of the information obtained by us and the evaluation of capability, infrastructure network and readiness to carry out our professed business, deliver good and services promised by the parallel marketeer. We are satisfied that the information and the particulars received and collected by us are sufficient enough to enable us to evaluate M/s_____**_____

Providing the rating as specified.

M/s _____** _____are Awarded _____ rating.

Salient facts about M/s_____**_____are as follows:-

1. Total investment planned.
2. Total investment made upto date.
3. Promoter's equity.
4. Proposed/likely date of commissioning.

(Signature and Seal of the Rating Agency)

Schdule-VII
[See clause "(4)]

Proforma of information to be submitted by the Parallel Marketeer for Evaluation/Rating by the Rating Agency.

PARAMETERS **DETAILS**

1. Market Standing of the Company
   - A. Constitution of the Firm :
   - B. Registered Office :
   - C. Location & Addresses of Existing Business:
   - D. Name of Promoters/Directors/Partners:
   - E. Background and full anticidents of Promoters/Directors/Partners:
   - F. Network of Promoters/Directors/Partners:
   - G. Current Activity:
   - H. Details of existing operations of the Parallel Marketeer and/or his group of companies:
   - I. Audited A/cs for three years of the promoter firm and group concerns with details of promoters institution:
   - J. Working capital requirement for new business pertaining to Parallel Marketing with resume of proposed scheme:
   - K. Implementation record of typical projects already undertaken, in terms of cost, time, nature of projects and technology involved:
   - L. Business plans and projected cash flows:
   - M. Sourcing of funds for existing and proposed business:
   - N. Performance of Parallel Marketeer in his other group companies for last three years with income tax clearance certificate:

2. Marketing Plans for Liquefied Petroleum Gas:

2.1 Infrastructure for Liquefied Petroleum Gas Sourcing/Handling:
   - A. Import Locations identified.
   - B. Proposed size of import parcels.
   - C. Status of approval (ports/statutory/State Government/Chief Controller of Explosives/ Environment/Milestone achieved with squared network-local Authorities)
   - D. Status of Progess.
   - E. Details of Technogical tie ups, if any,
   - F. Business proposal/Project Feasibility report, Financial Details and Financial risk analysis.

2.2. Commercial arrangements and/or consortium for Liquefied Petroleum Gas (if own facilities are not planned):
   - A. Any tie up arrangement finalized with importer.
   - B. The supporting agreements/documents for such tie up.
   - C. The quantum of product to be imported with minimum guarantee.
   - D. Details of Storage & Handling product at the import location/tie up agreement.
   - E. Fall back arrangement to meet the shortfall in case the tie up arrangement does not materialize.

3. Storage and Distribution arrangement for Liquefied Petroleum Gas planned:
   - A. Details of Storage facilities of Depots/Bottling plants with their capacities.
   - B. Status of progress on items mentioned above.
   - C. Plant & Equipment/Technological details.

D. Details of manpower and the arrangement to handle the product.
E. Details of designs and standards to be followed for construction and operation of these facilities.
F. Status of approvals for the facilities.
G. Details of arrangements for procurement of Cylinders/Valve/Regulators.,
H. Whether the bottling plants are as per safety standards-Oil Industry Safety Directorate 144/169.

4. Arrangements planned to reach the product to consumption Centres/Markets:
   A. Details of distributor network planned/already appointed.
   B. Details of the basis of distributors appointment.
   C. Details of showroom/sales room/office and godown planned/existing along with status of approvals.
   D. Details of Distribution arrangement between the distributors godown and the consumer.

5. Product Familiarity Training and Provision for Safety:
   A. Operational knowledge of product (Liquefied Petroleum Gas) and its handling.
   B. The capability and preparedness to meet the safety requirement in Liquefied Petroleum Gas, its transportation and accident relief during transportation.
   C. Plans for training the staff and the consumer on safe handling of equipment/product.
   D. Recruitment policy and standards for the staff.
   E. Familiarity with Gas Control Orders, Explosives Rules and other applicable local acts.
   F. Details for arrangement for attending emergency complaints of consumers.

6. Marketing Discipline and Guidelines proposed to be adopted:
   A. Code of conduct for distributors and deliverymen.
   B. System to monitor and control adulteration and unauthorized diversion of products.

7. Organisation in place/proposed for the parallel marketing of Liquefied Petroleum Gas :
   A. Details of Organisation Structure.
   B. Level of managerial involvement of the promoter.
   C. Source of financing the Liquefied Petroleum Gas parallel marketing including the infrastructure.
   D. Any other relevant details which the parallel marketeer would like to provide.

8. Financial Commitment:
   A. Total estimated project cost.
   B. Planned (phase-wise) resource mobilization.
   C. Resource arranged and investment made as on date.
   D. Proof of A,B and C above.

* Extra Sheets may be used, if required.

Dated_____

Signature.....
M/s.....
(Parallel Marketeer)
Address.....

[Number P-17011/25/97-Mkt]
NARESH NARAD, Addl.Secy.

LPG (Regulation of Supply and Distribution) Order 2000

LPG (Regulation of Supply and Distribution) Order 2000 was made in exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955. Unless Section 3 and Sub Section 1 (c) of the LPG Order 2000 use of LPG for any purpose other than for which the consumer is registered with the distributor of a government oil company is illegal. Thus, use of domestic LPG cylinder (14.2 kg) is illegal in commercial establishment like hotels and restaurants.

Under section 12 of LPG (Regulation of Supply and Distribution) Order 2000, any Officer of the Central or the State Government not below the rank of Inspector duly authorized by a general or a special order, by the Central or State Government, with a view to secure compliance of this order, may

(a) stop and search any vessel or vehicle used or capable of being used for the transport or storage of any petroleum product.
(b) enter and search any place.
(c) seize stocks of LPG along with container and/or equipments, such as cylinders, gas cylinders valve, pressure regulators and seals in respect of which he has reason to believe that a contravention of this order has been, or is being, or is about to be made.

In pursuance of sub-clause (1) of clause 7 of the Liquefied Petroleum Gas (Regulation of Supply and Distribution) Order, 1988, vide order No. 9(91)80-81-/11/WM/FCS, the Central Government notified that any officer of the Government of Sikkim not below the rank of an Inspector or Weights and Measures, Food & Civil Supplies Department to carry out the search and seizure.

According to section 6-B of the Essential Commodities Act, a Show Cause Notice has to be given to the concerned party before confiscation of food grains, etc. by the District Collector. A notice has to be given informing him of the grounds on which confiscation would be made. He should be given an opportunity of making a representation in writing within such reasonable time as may be specified in the notice. The party should be given a reasonable opportunity of being heard. Under section 6-A, if the collector is convinced that the LPG connection acquired for domestic purpose is used for commercial purposes then he can order for confiscation.

Notice u/s 6(B) of Essential Commodities Act, 1955

To.....

of.....

Whereas it has been made to appear to me by credible information that you have been using the Liquefied Petroleum Gas connection given to you and authorized for only domestic purpose for commercial purposes and that you have violated the Liquefied Petroleum Gas (Regulation of Supply and Distribution) Order, 2000 and thereby the Essential Commodities Act, 1955. Therefore, you are here by required to attend in person at the office of the District Magistrate of ..... on the..... day of ..... 2005 at ..... To show cause as to why action should not be taken against you.

Dated, this.....day of ..... 2005.

Seal of Court **Signature**

Warrant to search and confiscate

To(The Police Officer)

.....
.....
.....
.....

Whereas information has been laid before me, and on due inquiry thereupon had, I have been led to believe that the LPG connection given to Mr..... for private use is being used for commercial purposes.

This is to authorized and require you to enter the above premises where such a violation is taking place with such assistance as shall be required, and to use, if necessary, reasonable force for that purpose, and to search every part of the premises and to seize and to take possession of the LPG and to forthwith to bring this court such of the said things as may be taken possession of, returning this warrant, with an endorsement certifying that you have done under it , immediately upon its execution.

Dated, this.....day of.....2005.

(Seal of the Court) **(Signature)**

Section 3. Power to make orders detaining certain persons

(1) The Central Government or a State Government or any officer of the Central Government, not below the rank of a Joint Secretary to that Government specially empowered for the purposes of this section by that Government, or any officer of a State Government, not below the rank of a Secretary to that Government specially empowered for the purposes of this section by that Government, may, if satisfied, with respect to any person that at view to preventing him from acting in any manner prejudicial to the maintenance of supply of commodities essential to the community it is necessary so to do, make an order directing that such person be detained.

Explanation:(1)
For the purpose of this sub-section, the expression 'acting in any manner prejudicial to the maintenance of supplies of commodities essential to the community' means :
(a) committing or instigating any person to commit any offence punishable under the Essential Commodities Act, 1955 (10 of 1955), or under any other law for the time being in force relating to the control of the production, supply or distribution of, or trade and commerce in, any commodity essential to the community; or
(b) dealing in any commodity : (i) which is a essent-ial commodity as defined in the Essential Commodities Act, 1955 (10 of 1955) or (ii) with respect to which provisions have been made in any such other law as is referred to in Cl. (a) with a view to making gain in any manner which may directly or indirectly defeat or tend to defeat the provisions of that Act or other law aforesaid.

(2) Any of the following officers, namely:
(c) District Magistrate'
(d) Commissioners of Police, wherever they have been appointed, may also, if satisfied as provided in sub-section(1), exercise the powers conferred by the said sub-section.
(3) When any order is made under this section by an officer mentioned in [sub-section (2)], he shall forthwith report the fact to the State Government to which he is subordinate, together with the grounds on which the order has been made and such other particulars as in his opinion have a bearing on the matter, and no such order shall remain in force for more than twelve days after the making thereof unless in the meantime it has been approved by the State Government;

Provided that where under section 8 the grounds of detention are communicated by the authority making the order after five days but not later than ten days from the date of detention, this sub-section shall apply subject to the modification that for the words 'twelve days', the words 'fifteen days' shall be substituted.

(4) When any order is made or approved by the State Government under this section or when any order is made under this section by an officer of the State Government not below the rank of Secretary to that Government officially empowered under sub-section (1), the State Government shall, within seven days, report the fact to the Central Government together with the grounds on which the order has been made and such other particulars as, in the opinion of the State Government, have a beating on the necessity for the order.

Section 4. Executive of Detention Order : A detention order may be executed at any place in India in the manner provided for the execution of warrants of arrests under the Code of Criminal Procedure, 1974 (2 of 1974)

Section 5. Power to regulate place and conditions of detention : Every person in respect of whom the detention order has been made shall be liable;

Under the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980 there is provision for the detention of the person violating the Act.

Section 3. Power o make orders detaining certain persons

(1) The Central Government or a State Government or any officer of the Central Government, not below the rank of a Joint Secretary to that Government specially empowered for the purposes of this section by the Government, or any officer of a State Government, not below the rank of a Secretary to that Government, may, if satisfied, with respect to any person that a view to preventing him from acting in any manner prejudicial to the maintenance of supply of commodities essential to the community it is necessary so to do, make an order directing that such person be detained.

Explanation :

(1) For the purposes of this sub-section, the expression 'acting in any manner prejudicial to the maintenance of supplies of commodidities essential to the community' means:

(a) committing or instigating any person to commit any offence punishable under the Essential Commidities Act, 1955 (10 of 1955), or under any other law for the time being in force relating to the control of the production, supply or distribution of, or trade and commerce in, any commodity essential to the community; or

(b) dealing in any commodity:

(i) which is an essential commodity as defined in the Essential Commodities Act, 1955 (10 of 1955) or

(ii) with respect to which provisions have been made in any such other law as is referred to in Cl. (a) with a view to making gain in any manner which may directly or indirectly defeat or tend to defeat the provisions of that Act or other law aforesaid.

Jayshree Pradhan, IAS
Principal Secretary
Food, Civil Supplies & Consumer Affairs Department
Government of Sikkim, Gangtok.